SUBSTITUTE FOR PTO-1390 (Rev. 07-2005)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## TRANSMITTAL LETTER TO THE UNITED STATES ATTORNEY'S DOCKET NUMBER: YOUZ 2 00116 DESIGNATED/ELECTED OFFICE (DO/EO/US) **CONCERNING A SUBMISSION UNDER 35 U.S.C. 371** U.S. APPLICATION NO. (if known, see 37 CFR 1.5) INTERNATIONAL APPLICATION NO. INTERNATIONAL FILING DATE PRIORITY DATE CLAIMED PCT/GB2004/004298 11 October 2004 10 October 2003 TITLE OF INVENTION USE OF XENON WITH HYPOTHERMIA FOR TREATING NEONATAL ASPHYXIA APPLICANT(S) FOR DO/EO/US FRANKS, Nicholas and MAZE, Mervyn Applicant submits herewith to the United States Designated/Elected Office (DO/EO/US) the following items and other information: This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. The US has been elected (Article 31). A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is attached hereto (required only if not communicated by the International Bureau). has been communicated by the International Bureau. is not required, as the application was filed in the United States Receiving Office (RO/US). An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. is attached hereto. b. has been previously submitted under 35 U.S.C. 154(d)(4). 7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) are attached hereto (required only if not communicated by the International Bureau). has been communicated by the International Bureau. have not been made; however, the time limit for making such amendments has NOT expired. d. A have not been made and will not be made. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. An Information Disclosure Statement, related PTO-Form 1449 and references (if required) under 37 CFR 1.97 and 1.98. 12. An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 included. A Preliminary Amendment. An Application Data Sheet. A substitute specification. 16. A power of attorney and/or change of address letter. 17. A computer readable form of the sequence listing in accordance with PCT Rule 13.ter.2 and 37 CFR 1.821- A second copy of the published International Application under 35 U.S.C. 154(d)(4). A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4). 20. Other items or information:

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS SEND TO: Mall Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

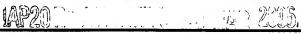
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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) INTERNATIONAL APPLICATION NO. ATTORNEY'S DOCKET NO. PCT/GB2004/004298 YOUZ 2 00116 Calculations PTO Use Only The following fees have been submitted: 21. Basic national fee (37 CFR 1.492(a)) \$300.00 \$300.00 If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 \$200.00 All other situations \$200.00 Search fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33-(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400.00 \$400.00 All other situations \$500.00 TOTAL OF 21, 22 and 23 = \$0.00 Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the \$0.00 oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)). CLAIMS NUMBER NUMBER RATE CALCULATIONS FILED **EXTRA** Total Claims 26 - 20 =6 x \$50 = \$0.00 \$300.00 6 - 3 = x \$200 = \$0.00 Independent 3 \$600.00 Claims Multiple 0 x \$360 = \$0.00 \$0.00 Dependent Claim(s) Additional fee for Group(s): O x \$250 = \$0.00\$0.00 specification and (Group = number of drawings filed in paper over 100 additional 50 or fraction sheets thereof) **TOTAL OF ABOVE CALCULATIONS** \$1,800.00 Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR \$0.00 1.492(i)). TOTAL NATIONAL FEE \$0.00 Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property. \$40.00 TOTAL FEES = \$1,840.00

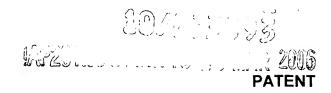
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a.		A check in the amount of \$ to co	over the above fees is enclosed		•	
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NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.						
SEND ALL CORRESPONDENCE TO:						
Scott A. McCollister						
Fay, Sharpe, Fagan, Minnich & McKee, LLP Signature 1100 Superior Avenue						
Seventh Floor			Scott A. M	Scott A. McCollister		
Cleveland, OH 44114-2579			Name	Name		
			33,961			
l				on Number	·····	
				~ 23,2006		
•		Date	Date			



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Franks et al.

**FOR** 

USE OF XENON WITH HYPOTHERMIA

FOR TREATING NEONATAL ASPHYXIA

SERIAL NO.

To be assigned

**FILED** 

Herewith

ATTORNEY DOCKET NO.

**YOUZ 2 00116** 

## **CERTIFICATE OF EXPRESS MAILING UNDER 37 CFR 1.10**

"Express Mail" Mailing Label Number:

EV 69074124 US

**Date of Deposit:** 

March 23, 2006

I hereby certify that the attached *TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371* and accompanying documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, addressed to: MAIL STOP PCT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated above.

Georgeen B. Sonntag